

WEATHER.

(U. S. Weather Bureau Forecast.)
Partly cloudy and warmer, followed by
rain late this afternoon or tonight; tomor-
row fair, slightly colder. Temperatures
yesterday—Highest, 52, at 4 p.m.; lowest,
33, at 3:30 a.m.
Full report on page A-2.

The Sunday Star

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Sunday Morning and
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IN WASHINGTON AND SUBURBS

TEN CENTS
ELSEWHERE

PITTMAN BACKS QUERY ON JAPAN'S SHIP SIZE AS SENATE CRITICISM RISES

U. S. Note to Tokyo
Necessary, He
Declares.

CONCERT POLICY
HINT DEPLORED

Senators Fearful That
It Becomes Ag-
gressive.

BACKGROUND—
Persistent reports of Japanese
building of warships of more than
35,000 tons have created fears in
United States of Japanese aims at
superiority in naval strength. London
treaty of 1936 replacing two
earlier treaties of 1922 and 1930
provided for limit of 35,000 tons
of building by United States,
Great Britain and France. Japan
refused to sign pact.

By G. GOULD LINCOLN.
The State Department's note to
Japan, asking whether that country
was building or planning battleships
bigger than 35,000 tons, was given im-
mediate approval yesterday by Chairman
Pittman of the Senate Foreign Relations
Committee.

Other Senators, while admitting the
United States has a right to request
this information, deplored the fact
the sending of the note by this coun-
try was simultaneous with the trans-
mission of similar notes to Japan by
Great Britain and France. They
feared, they said, it would foster a
growing belief in this country and
elsewhere that the United States was
acting in concert with other nations
in its foreign policy, and that the
policy was becoming aggressive.

Note Declared Necessary.
"As far as the United States is con-
cerned," Pittman said, "I am
of the opinion that the question of
this note is not only justifiable, but
necessary."

"I am also of the opinion that state-
ments made from authoritative sources
in Japan, in addition to other in-
formation, conclusively demonstrate
that the Japanese government is build-
ing far beyond the limitations of the
Washington treaties and also the
London treaty which was entered into
between the United States, Great
Britain and France, but to which
Japan refused to adhere."

"It is entirely proper, of course, that
our government should give the Japan-
ese government an opportunity to
answer directly with regard to such
matters. It is in entire accord with
the London treaty that the parties to
that agreement, the United States,
Great Britain and France, also de-
clared the same information, as that
treaty carries the 'open clause'."

"The 'escape' clauses permitted the signa-
tories to disregard the naval limita-
tions set therein if they learn that
any other nation is exceeding the
building limitations, after consulta-
tion."

Threat Implied in Note.
Implied in the note transmitted by
the State Department to Japan was a
formal threat that the United States
will build battleships bigger than 35,000
tons and arm them with guns bigger
than the 16-inch guns specified in the
London treaty unless Japan says she
is not exceeding this limit.

At the same time Japan was in-
formed the United States is ready to
curb limitation of the size of battle-
ships. The American note, which was
presented to the Japanese government
yesterday by Ambassador Joseph C.
Grew, gives Japan until February 20
to make reply. If no reply is received,
Japan's silence will be construed as
an admission that Japan is building
or plans to build battleships in excess
of 35,000 tons and to arm them with
guns larger than 16 inches, and to
build cruisers larger than 8,000 tons.
The United States is prepared to go
right ahead with bigger warships also.

The note explains that February 20
was fixed as the time limit for reply
from Japan because the United States
must have its fleet estimates in hand
in time to communicate to Great
Britain and France—the other signa-
tories to the London treaty—before
May 1. Further, if the United States
and Japan are to enter into consulta-
tion for the limitation of the size of
battleships, that consultation must be
completed also before May 1.

Defense Bill Pending.
There is another good reason, how-
ever, why the United States asks this
information from Japan at this time.
The national defense bill, sponsored
by President Roosevelt, is now in
process of being finally drafted for
submission to the House. If larger
ships and guns are to be constructed,
the House Naval Affairs Committee
will make provision in the bill.

The Government's armament pro-
gram indicates the United States is
"going to take the offense and prob-
ably join hands with England and
(See NOTE, Page A-4.)"

JURY STILL DEADLOCKED
ON TAPPOINIER VERDICT

Unable to Reach Decision After 31
Hours, It Is Locked Up for
the Night.

Still deadlocked after 31 hours, the
jury considering the first-degree mur-
der charge against Louis J. Tappo-
nieri, was locked up at 10:30 o'clock
last night and will resume delibera-
tions in District Court again today.
Tappo-
nieri, 28-year-old former
water, shot and killed William M.
Harris on a Ninth street restaurant
floor in 12, last.
He pleaded self-defense.

Radio Programs, Page F-3
Complete Index, Page A-2.

Merger of D. C. Legal Authority Urged by Seal to Curb Crime

Proposes Department Be Created to
Co-ordinate Work of U. S. Attorney
and Corporation Counsel.

By DON S. WARREN.
Co-ordination of all work of the offices of the United States attorney and
the corporation counsel under a director of a department of law enforcement
will be proposed to Chairman King of the Senate District Committee, Corpora-
tion Counsel Elwood H. Seal announced yesterday.

Centralization of authority and responsibility under one head, for all
prosecutions and for all legal matters of a civil nature, Mr. Seal said,
would be the objective of the suggested
major step in District government
reorganization.

A general outline of the plan, which
is similar to one offered in 1929 by
the Brookings Institution, is to be
laid before Senator King early this
week, Mr. Seal added, for considera-
tion along with other suggestions for
improving the effectiveness of the Dis-
trict's war on crime.

Under the plan the United States
attorney would become prosecuting
attorney, in charge of all court pro-
ceedings, including Police Court cases
now handled by the corporation coun-
sel. (See ENFORCEMENT, Page A-3.)

LOAN ASSOCIATION GROUP MAPS MOVE

Certificate Holders' Organi-
zation to Enter Mont-
gomery Negotiations.

By HAROLD B. ROGERS.

Believing that no provision is in-
cluded in pending plans for dis-
solution of the Montgomery Building &
Loan Association to pay 1,900 holders
of so-called "foundation surplus cer-
tificates" of a face value of about
\$220,000, Edwin J. Heath, 1841 Six-
teenth street N.W., laid preliminary
plans last night to organize these cer-
tificate holders to protect their rights.
Petition for dissolution of the Mont-
gomery Association was filed last week
in District Court by its board of di-
rectors. Justice Jennings Bailey ap-
pointed Joseph R. Little, its president,
as receiver, and scheduled a hearing
in the case for March 7. The petition
asks approval of sale of its assets to
the Perpetual Building Association.

Representatives of the Montgomery
Association said last night the whole
question is before the court for de-
cision. They explained that the pro-
posal of the Perpetual Building Asso-
ciation to buy Montgomery's assets
was for the purpose of making avail-
able to Montgomery a suit of money
amounting to money equal to the share
liability of classes A and C.

But, they emphasized, the question
of the certificate holders also was
before the court for consideration.
The petitioners asked the certificate
holders were left out of the picture.
The "cold cash" realized from sale
of all Montgomery's assets will be
distributed, they said, as the court
directs.

Conference Scheduled.
Mr. Heath already has conducted
extensive correspondence on the ques-
tion of the surplus certificates with
Receiver Little. He studied the
voluminous petition and the proposal
of the Perpetual Building Association,
on file in court. He sought out Fred
Myers, attorney, who had success-
fully represented a holder of a sur-
plus certificate in a suit against the
Montgomery Association. Mr. Heath
(See MONTGOMERY, Page A-14.)

SEEKS BREAD COST CUT

New York Campaign's Goal Is
2-Cent Slash to 9 Cents.

NEW YORK, Feb. 5 (AP).—William
F. Morgan, jr., commissioner of mar-
kets, announced today a campaign
to cut the retail price of bread in
New York from 11 to 9 cents because
of the "reduced cost of all neces-
sary ingredients."

The first step, he said, will be
introduction of a city ordinance re-
quiring bakers to produce bread in
half pound and pound units. Morgan
cited the sale of bread at 8
cents a loaf by chain stores as evi-
dence that bakers could sell at 9
cents instead of 11 and still make a
profit.

Girl, 5, Hidden From World Since Infancy, Found on Farm

By the Associated Press.
UNIONTOWN, Pa., Feb. 5.—Hu-
mane agencies today investigated the
strange case of a 5-year-old girl who,
they charged, had been hidden from
the outside world in the upstairs
room of a farmer's home since in-
fancy.
E. M. Smith of the Western Penn-
sylvania Humane Society said the
child, crippled and undernourished,
had been found tied to an old chair
in a storage room on the second floor
of the home of David Harris, about
17 miles from Uniontown.
Smith brought charges of negligence
to a minor against Harris and his
daughter Martha, 27. Both will re-
ceive a hearing Monday before a ju-
stice of the peace.
Smith quoted Harris as saying the
child was illegitimate and had been
kept in the room as a "sort of punish-
ment" for his daughter's "second
sin."
The humane officer reported he
found the child after a complaint

NEW NAZI POWER IS THROWN BEHIND FOREIGN DEMANDS

Colonies, Danzig Control and
Austria Points of
New Attack.

FUTURE REICH POLICIES
DISCUSSED BY CABINET

Army Accepts Drastic Shake-Up
in High Command With Good
Discipline.

BACKGROUND—
Marriage of Field Marshal Werner
von Blomberg, war minister of
Germany, to 28-year-old daughter
of carpenter last month led to cabi-
net crisis after army officers led
by Gen. Werner von Fritsch de-
manded that he resign. Incident
touched off smoldering struggle
for showdown on control of Ger-
man army, militarists resisting
subordination to Nazi politicians
and demanding that they be placed
under direct authority of Chancel-
lor Hitler.

By the Associated Press.
BERLIN, Feb. 5.—The Nazi high
command swung its new and un-
opposed control of Germany's power-
ful army and centralized foreign
policy behind Fuehrer Adolf Hitler's
plans for German greatness tonight.

With conservatives in the army and
foreign ministry ousted for ardent
Nazis, spokesmen began shouting the
insistent demands:
1. Return of Germany's "robbed"
colonies.
2. Control of the Free City of Dan-
zig.
3. Influence in Austria.

The series of decrees last night
which liquidated the week-long cabi-
net crisis gave Hitler no real increase
of power; he had it already. The
real significance of Der Fuehrer's
move was the centralization of power
in his own hands and those of his
younger followers whose loyalty to
Nazi ideals is unquestioned.

46 Officers Promoted.
Hitler took direct control of the
armed forces, promoting 46 high-
ranking officers and retiring 18
"Christian" generals; he handed the
foreign ministry over to his personal
ambassador who came known as
Europe's best champagne salesman;
he shuffled ambassadors like cards.

And all of this, perhaps the most
far-reaching move of the five years
of German rule, came because the
conservative army generals objected
to the war minister's wedding to a
woman they described as "socially
immpossible."

They objected to Field Marshal
Werner von Blomberg's marriage to
his secretary, a carpenter's daugh-
ter; forced him out of office, and,
feeling their status, demanded Hitler
say whether Nazis or generals would
rule the army. Der Fuehrer answered
them.

Nevertheless, I personally, will ex-
ercise direct command over the armed
establishment."

A brief announcement said govern-
ment ministers "expressed warm
approval" of Hitler's measures tonight
at a cabinet meeting where prelimi-
nary outlines of future Nazi policies
were discussed.

All of 33 army officers and 13
from the air force, who yesterday were
promoted, either in rank or to posi-
tions of greater responsibility, pre-
sented themselves to Hitler at the
chancellery to report for duty.

The newly created field marshal
general, Hermann Wilhelm Goering,
received a special roll of drums as
he arrived and departed from the
chancellery, as well as a popular dem-
onstration from curious crowds eager
to see what was happening.

Hitler's far-reaching shake-up of
the army and government depart-
ments, from which he emerged as
supreme commander of Nazified de-
fense forces, brought a long list of
appointments to new positions.

Men of comparative youth such as
45-year-old Joachim von Ribbentrop,
raised from Germany's Embassy in
London to be foreign minister, and
56-year-old Col.-Gen. Walther von
Braun, who became army chief
of staff, were given new responsibil-
ities. Many less well-known persons
also gained pivotal positions.

As a special secretary of state in
charge of press relations, Dr. Otto
Dietrich took office in the propaganda
ministry. For many years he has been
Hitler's personal press chief.

Brinkman Becomes Secretary.
At the ministry of economics Rudolf
Brinkman, who has been in the
United States many times as deputy
of Hermann Schacht, retired minister
of economics, was made a secretary
of state.

Hitler further promoted to the rank
of major-general his personal adjutant,
youthful looking Col. Karl von
Dobenschütz, and made him cabinet
chief of Goering's office.

Two young military officers, Maj.-
Gen. Fritz Loeb and Hermann von
Kamke, were placed in as directors of
the four-year plan in organization to
bring Germany economic self-sufficiency.

A similar shake-up was expected at
the foreign office. It was considered
almost certain two recalled German
Ambassadors, Herbert von Dirksen
from Tokyo and Franz von Papen from
Austria, would be retired and only
Ulrich von Hassell, coming home from
Rome, would continue in the Reich
foreign service.

Von Hassell's work in bringing Hitler
and Mussolini together so closely was
said to be deeply appreciated by Der
Fuehrer.

Colombia Shaken by Quake.
QUITO, Ecuador, Feb. 5 (AP).—De-
layed dispatches from the southern
part of Colombia reported today that
a severe earthquake shook the city of
Manizales and the surrounding region
last night, causing at least two
deaths.



RUBENS INTERVIEW BY U. S. TOMORROW

Granting of Permission Is
Seen Hint Probe Is
Completed.

BACKGROUND—
Mrs. Ruth Marie Rubens and
man who entered Russia with her
on false passports as "Mr. and Mrs.
Donald Robinson" are being held
on charges of espionage by Soviet
authorities. United States demand-
ed right to interview her after it
was established she is an American
citizen. Moscow officials refused
to permit American diplomats to
see her until completion of investi-
gation.

By the Associated Press.
MOSCOW, Feb. 5.—A representative
of the United States Embassy will visit
Mrs. Ruth Marie Rubens Monday, it
was disclosed today, in the hope of
solving the mystery of her trip to
Russia and subsequent arrest.

Mrs. Rubens, an American citizen,
has been held incommunicado since
she was arrested December 9 on sus-
picion of espionage. Soviet authorities
agreed today to let a United States
diplomatic representative talk to her,
but the visit could not be arranged
before Monday because of the Sunday
holiday.

Probe Believed Complete.
The fact permission was given for
the interview was interpreted as in-
dicating the investigation of Mrs.
Rubens has been completed, since the
foreign office had held that American
officials could not see her until the
inquiry was finished.

Whether she would be held for trial
was not disclosed, but circles which
have been kept informed of the de-
velopments believed she would be tried
with the man who entered the country
with her as her husband. Their pass-
ports gave their names as "Mr. and
Mrs. Donald L. Robinson" of New
York.

Secret Trial Expected.
It was expected the trial would be
secret as those of other foreigners
accused of espionage have been. Under
the Soviet practice, American offi-
cials would be entitled to interview
her again after the trial, if she is
convicted.

Espionage conviction carries execu-
tion as the highest penalty, but in
most cases sentences against foreigners
have been commuted to deportation.

U. S. TO CHECK SOVIET REPORT.

Nationality of Rubens Also to Be
Investigated.

By the Associated Press.
Secretary of State Hull won from
Soviet Russia yesterday permission for
an American Embassy representative
to visit Mrs. Ruth Marie Rubens, an
American citizen, imprisoned on sus-
picion of spying.

Low Henderson, American Charge
d'Affaires at Moscow, cabled that
he or Second Secretary Angus I. Ward
expected to see Mrs. Rubens.

Story to Be Checked.
Mr. Henderson or Mr. Ward in-
tended to learn from Mrs. Rubens
whether her story coincided with that
communicated to this Government by
Russia, which is as follows:

She entered Soviet Russia under a
false passport made out in the name
of Ruth Norma Robinson (the State
Department confirms this, saying the
passport was granted on an applica-
tion accompanied by the birth certifi-
cate of a child long since dead).

She was accompanied by a man
named Donald Louis Robinson, who,
their passports stated, was her
husband.

Robinson disappeared in Moscow
early in December. Mrs. Rubens
"disappeared" December 9, but in reality
was arrested on suspicion of espionage.

Mrs. Rubens told the police her
husband had gone to a hospital, but
he was arrested in a Ural Mountain
town and found in possession of pas-
ports, allegedly false, of a number
of countries. He is suspected by
Soviet police of spying.

Spouse's Nationality Sought.
The American diplomat also in-
tended to try to learn from Mrs.
Rubens something about the nation-
ality of her supposed husband.

Secretary Hull said he needed all
this information in order to determine
the future task of this Government in
connection with the case.

Killed



NEAL PETTIT.

RIVERDALE BOY, 4, IS KILLED BY AUTO

Child Dies of Broken Neck
Despite Efforts of Res-
cue Squad.

Four-year-old Neal Pettit was fa-
tally injured last night when struck
by an automobile on the Baltimore
boulevard in Riverdale, Md.

Neal, son of Mr. and Mrs. Elmer
Pettit, 305 Lafayette avenue, River-
dale, died of a broken neck while
members of the Bladensburg rescue
squad were trying to keep him alive in
an oxygen tent.

In the only serious accident reported
in the District last night, Leonard Di
Giovanni, 50, of 1361 Newton street
N.W., was knocked 14 feet by a street
car at Fourteenth and Newton streets
N.W.

Mr. Di Giovanni was taken to Em-
ergency Hospital, where he was said to
have a fractured skull, concussion of
the brain, several broken ribs and
other injuries. The street car, police
said, was operated by Marshall Scott,
43, of 1311 Longfellow street N.W.

The mishap in which the boy was
fatally injured occurred at the inter-
section of the boulevard and Wash-
ington avenue. Policeman Henry G.
Briscoe of the Prince Georges County
force took Neal to the Bladensburg fire
house, where he died.

George Jundrake of Linden, N. J.,
the driver, was held at the Hyattsville
police station on a reckless driving
charge, and an inquest was ordered
for 8 p.m. Tuesday. Justice of the
Peace William Bobb of Cottage City
set bond at \$1,000.

Gas Taken to Plane by Dogs.

BARROW, Alaska, Feb. 5 (AP).—Pil-
ot Harold Gillingham, stranded in deso-
late country south of Barrow since
Monday, when he was forced down
by a fuel shortage on a flight from
Fairbanks, arrived here today after
a dog team brought him gasoline.
Gillingham and his mechanic, George
Saunders, left Fairbanks with sup-
plies for Sir George Hubert Wilkins,
who is searching for six Russian air-
men lost last August 13 on a trans-
polar flight.

Karpis Plotted Airplane Dash To Slay G-Men, Hoover Says

By the Associated Press.

J. Edgar Hoover disclosed yesterday
that Alvin Karpis, one-time "public
enemy No. 1," plotted a mass murder
of Federal agents prior to his capture
in 1936.

The murders, to be accomplished by
machine gun and followed by escape
in an airplane, were to be committed
in an ambush at Cleveland, the Jus-
tice Department investigator wrote in
his new book, "Persons in Hiding."

A subsequent plot called for the
slaying of Justice Department agents
at Los Angeles, Chicago, New York
and Washington, he said, but it also
was not carried out.

Karpis intended to lure "G-men"
to an unnamed street corner in Cleve-
land, Mr. Hoover said. The long-
sought fugitive was to remain in hid-
ing in a building nearby, armed with
a machine gun, with which he would
open fire on the agents as soon as
they arrived, the Federal official re-
ported.

1 PCT. INCOME TAX INCLUDED IN 1939 D. C. REVENUE BILL

Salary Levy Raising Million
Would Test Legality for
Future Years.

FUNDS IN SIGHT HELD
WELL BEYOND DEFICIT

\$1.60 Realty Levy Decided Upon.
Business Tax Retained in
Scaled-Profits Form.

BACKGROUND—
Seeking legislation to raise \$5-
\$6,000,000 additional revenue to meet
the District's 1939 budget, now
badly out of balance, the Fiscal
Affairs Subcommittee of the House
District Committee has been con-
sidering alternative income tax pro-
posals. The business privilege tax
enacted last year raised city-wide
complaints; failed to produce antici-
pated revenue. District advisers
have been studying plans for
permanent budget balancing.

By JAMES E. CHINN.
A 1 per cent tax on the incomes of
all persons who work in the District,
at \$1.60 real estate levy and continuan-
ce of the unpopular business privi-
lege tax on a modified and graduated
scale, are provided in the new 1939
revenue bill which was completed
last night by the Fiscal Affairs
Subcommittee of the House District
Committee.

Designed to keep the District Gov-
ernment out of the red in the com-
ing fiscal year, the measure would
raise far more revenue than now be-
lieved to be necessary. On the basis
of the 1939 appropriation bill, on
which Senate hearings will start
Tuesday, the deficit will be less than
\$3,000,000. The three plans in the
revenue bill are estimated to produce
a minimum of \$4,800,000 in additional
revenue.

Chairman Nichols of the subcom-
mittee plans to introduce the revenue
bill in the House tomorrow and to
hold public hearings on it the latter
part of the week.
The income tax was the last re-
venue plan written into the bill, largely
because of a controversy over the
rate to be prescribed. The 1 per cent
rate, though small, was ultimately
agreed on primarily to force a test
in the courts of the validity of an at-
tempt by the District to tax the sal-
aries of Federal employees.

Revenue Factor Held Small.
As a revenue producer, the income
tax with the 1 per cent rate, accord-
ing to its champion, Representative
Dixey, Republican of Illinois, will
not be a vital factor in balancing the
1939 budget. He estimates the tax
with the 1 per cent rate will not yield
more than \$1,000,000. His object is
to have the constitutionality of the
tax firmly established, and raise the
rate in future years to meet subse-
quent budget shortages.

There are no special exemptions
in the income tax feature of the bill.
Members of Congress and Federal em-
ployees as well as non-residents would
be required to pay.

Members of Congress, however,
would pay only on the amount of in-
come they received while actually in-
volved in the District. For instance, if
Congress is in session six months, they
would pay only on one-half of their
\$10,000 annual salary. Non-residents
would be credited with income tax pay-
ments in their respective States. Such
a plan would benefit the non-resident
employee of a private establishment,
but not a Federal employee who works
in Washington and lives in nearby
Maryland or Virginia.

As an illustration, Virginia now
taxes the income of a resident who
works for a private establishment in
Washington. It cannot tax the salary
of a Federal employee. The Federal
worker living in Virginia, under the
revenue bill, would be required to pay
a 1 per cent tax to the District. The
employee of a private establishment,
however, would be given a credit for
the amount of tax paid in Virginia.
As probably would be the case under
a 1 per cent rate, employees of private
(See TAXES, Page A-3.)

GUAM IS EXPECTED TO GET 15 PLANES

Naval Flying Boats Shift From
Pearl Harbor Before June,
Reported Planned.

By the Associated Press.
HONOLULU, T. H., Feb. 5.—West-
ern Pacific naval forces are to be
strengthened by the transfer of 15
naval flying boats to Guam "before
June," a usually reliable source said
today.

This would be the first assignment
of a large group of planes to a base
which has been in the United States
western outpost after full independence
is granted the Philippine Islands.

The squadron, which was commis-
sioned in December, has a personnel
of 10 officers, 10 aviation cadets and
approximately 100 men.

Learned from a report that the
sight of the Island of Rota, southern-
most of the Japanese-mandated Mar-
ianas Islands, it is virtually undis-
covered. Only two small naval ves-
sels are stationed there.

Aga Khan's Mother Dies.

BAGHDAD, Iraq, Feb. 5 (AP).—Lady
Ali Khan, 79, mother of the Aga
Khan, ruler of the Ismaili Moham-
medans and former president of the
League of Nations Assembly, died to-
day. She was a sister of the former
Shah of Persia.</